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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,317	04/26/2001	Yves Boudreault	1561-71	5660
21171	7590	06/21/2007	EXAMINER	
STAAS & HALSEY LLP			CERVETTI, DAVID GARCIA	
SUITE 700				
1201 NEW YORK AVENUE, N.W.			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20005			2136	
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			06/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/842,317

Applicant(s)

BOUDREAULT ET AL.

Examiner

David G. Cervetti

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 April 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/13/03</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-45 are pending and have been examined. Preliminary amendment filed 4/26/01 has been considered.

#### ***Specification***

2. The disclosure is objected to because of the following informalities: "DVD", "CD ROM" (page 7). These terms have not been defined. Appropriate correction is required.
3. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code (page 18). Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

#### ***Claim Objections***

4. Claims 2 and 6 are objected to because of the following informalities: "CD ROM" and "DVD" must be spelled out. Appropriate correction is required.
5. Claims 1 and 7 are objected to because of the following informalities: the parenthesis must be removed for the limitation to be given patentable consideration. Appropriate correction is required.
6. Claim 4 is objected to because of the following informalities: "the Internet". Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**8. Claims 1-45 are rejected under 35 U.S.C. 102(e) as being anticipated by**

**Shear et al. (US Patent Application Publication 2001/0042043, hereinafter Shear).**

**Regarding claims 1, 11, 26, and 36, Shear teaches**

- mixed-media data encoding apparatus, in which said mixed-media data includes a plurality of data types (**abstract**), comprising
- encoding means configured to encode said mixed-media data to prevent unauthorised access (**pars. 213-216**) and;
- storage means configured to store said encoded data, wherein user access to said data is possible in response to an accessing activity performed by a user and a first set of user modifications may be made to said data (a first level of access) in response to a first accessing activity and a second set of user modifications may be made to said data (a second level of access) in response to a second accessing activity (**pars. 216-220**).

**Regarding claims 5, 17, and 28, Shear teaches**

- encoded mixed-media data decoding apparatus, in which said data includes a plurality of data types (**abstract**), comprising
- receiving means arranged to receive an encoded media data file (**pars. 220-222**); and

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- activity responsive means configured to respond to an accessing activity, wherein a first accessing activity provides a first level of access and a second accessing activity provides a second level of access (**pars. 33-44, 250-253**).

**Regarding claim 30**, Shear teaches

- a media data format for communicating media data from a source station to a destination station in an encoded form, in which said media data includes a plurality of image related and/or audio related data types (**pars. 213-219**), wherein:
  - media data is encoded at a transmitting station (**pars. 165-169**);
  - said encoded data is transmitted to a receiving station (**pars. 165-169**); and
  - said transmitted data is decoded at a receiving station (**pars. 180-181**), wherein
- said transmitted encoded data includes data fields configured to allow levels of access to a user in response to particular user access activities (**pars. 33-44, 250-253**).

**Regarding claim 2**, Shear teaches wherein said storage means is a local hard drive, a removable disk, a CD ROM or a DVD (**abstract, pars. 169-179**).

**Regarding claim 3**, Shear teaches including data distribution means for distributing said encoded data over a distribution channel (**par. 3, 296-317**).

**Regarding claim 4**, Shear teaches wherein said distribution channel is a television broadcast channel or the internet (**pars. 44-49**).

**Regarding claim 6**, Shear teaches wherein said receiving means includes a disk reader, a CD ROM reader, a DVD reader, an internet connection or a television receiver (abstract, pars. 44-49, 180).

**Regarding claim 7**, Shear teaches wherein said receiving means includes decryption means configured to decrypt an encrypted portion of the media data (including said data types) with the assistance of data read from a non-encrypted portion to produce decrypted data (pars. 78-81, 216-220).

**Regarding claim 8**, Shear teaches wherein said activity responsive means is configured to read an access defining portion of said decrypted data to determine the nature of said accessing activities (pars. 216-220).

**Regarding claim 9**, Shear teaches wherein said access defining portion of said decrypted data defines a plurality of passwords and said activity responsive means is responsive to said passwords being identified so as to provide a particular level of access to said data (pars. 250-253).

**Regarding claim 10**, Shear teaches wherein said activity responsive means is responsive to passwords being entered manually by a user (pars. 212-215).

**Regarding claims 12 and 31**, Shear teaches wherein said media data types include motion data, model data, deformation parameters, constraints, expressions or relations, textures, colour values, cameras, lights, video, audio, device information, a timeline or user data or any combination of these data types (pars. 15-28, 216-219).

**Regarding claim 13**, Shear teaches wherein said encoding step includes adding access passwords to produce an internal file with passwords (pars. 178-179, 199-200).

**Regarding claim 14**, Shear teaches wherein said encoding step includes encrypting said internal file to produce an encrypted internal file / wherein said encoded data includes an encrypted portion encrypted by said encryption key (**pars. 199-200**).

**Regarding claims 15 and 32**, Shear teaches wherein said encoding step includes adding an encryption key or a portion of said encryption key to a header to produce an encoded export file (**pars. 199-200, 216-219**).

**Regarding claims 16 and 33**, Shear teaches wherein said encoding step adds random data to selected positions of said header (**pars. 216-219**).

**Regarding claim 18**, Shear teaches wherein said activity comprises identifying a password (**pars. 178-179, 199-200**).

**Regarding claims 19 and 37**, Shear teaches wherein said first level of access provides for the rendering and playback of three-dimensional data so as to produce two-dimensional output (**pars. 33-44**).

**Regarding claims 20 and 38**, Shear teaches wherein said second level of access allows behaviour triggering to be modified (**pars. 33-44**).

**Regarding claims 21 and 39**, Shear teaches wherein a third accessing activity provides a third level of access that allows scene control (**pars. 33-44**).

**Regarding claims 22 and 40**, Shear teaches wherein a fourth accessing activity provides a fourth level of access that allows clip libraries to be modified (**pars. 33-44**).

**Regarding claims 23 and 41**, Shear teaches wherein a fifth accessing activity provides a fifth level of access that allows animation to be edited (**pars. 33-44**).

**Regarding claims 24 and 42**, Shear teaches wherein a sixth accessing activity provides a sixth level of access that allows model editing and texture editing to be performed (**pars. 33-44**).

**Regarding claims 25 and 43**, Shear teaches wherein a seventh accessing activity provides a seventh level of access that allows full control to the data (**pars. 33-44**).

**Regarding claims 27 and 29**, Shear teaches a computer-readable medium having computer-readable instructions executable by a computer such that, when executing said instructions a computer will perform a method in accordance with claims 12 / 18 (**pars. 180-182**).

**Regarding claim 34**, Shear teaches wherein said encoding step includes encrypting said internal file to produce an encrypted internal file / wherein said encoded data includes an encrypted portion encrypted by said encryption key (**pars. 199-200**).

**Regarding claim 35**, Shear teaches wherein said encrypted portion includes mixed-media data types and access passwords (**pars. 216-219**).

**Regarding claim 44**, Shear teaches wherein said first data field for media data and said second data field for accessing data are encrypted (**pars. 216-219**).

**Regarding claim 45**, Shear teaches including a header having an encryption key or part of an encryption key embedded therein to facilitate the decryption of said encrypted data fields (**pars. 216-219**).



**Conclusion**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David G. Cervetti whose telephone number is (571)272-5861. The examiner can normally be reached on Monday-Tuesday and Thursday-Friday.
10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on (571)272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DGC

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*6, 15, 07*